

REMARKS/ARGUMENTS

Favorable reconsideration of the application as presently amended is respectfully requested, in view of the following remarks.

Claims 1-8 are pending in the application. Claims 1 and 5, the two independent claims currently pending, have each been amended to recite that the edit list is based on an operation history of switching operations and that the switching operation for the edit list creation means is for generation of edited picture data immediately after a live broadcast. Basis for the amendment can be found at least on page 33 of Applicant's specification. No new matter has been added.

Claims 1-8 were rejected under 35 U.S.C. §102(e) as being anticipated by Fu et al. (U.S. 6,882,793, hereinafter Fu).

Turning to the rejection of Claims 1-8 under 35 U.S.C. §102(b) as being anticipated by Fu, the Official Action (pages 2 and 3) takes the position that giving the claims their broadest reasonable interpretation, the picture material switching means can be interpreted as the operating of the switcher by the user as taught by Fu and that the outputting of multiple picture materials is done at an arbitrary timing.

In response, Applicant notes that the outputting of multiple picture materials at an arbitrary timing is done by the picture material switching means, not by the user. Accordingly, Applicant believes that Claim 1, and Claim 5 which contains similar language in method format, patentably distinguish over Fu.

In any event, in order to advance the prosecution of the application, Claims 1 and 5 have been amended to recite that the edit list creation means creates the edit list based on an operation history of switching operations, for generation of edited picture data immediately after a live broadcast. From Applicant's review of Fu, Applicant does not find anything in

the reference that would teach or suggest this language. Accordingly, Applicant believes that Claims 1 and 5 are patentable over Fu for this additional reason.

Turning to Claim 2, the Official Action takes the position (page 4) that Fu discloses the edit list creation means creates the edit list simultaneously with the switching operation for switching the multiple picture materials by use of a switcher function. The Official Action relies on column 7, lines 8-11 and column 19, lines 18-21 of Fu. However, column 7, lines 8-11 of Fu refer to method 200 being used to detect when a video camera is turned on or off. This is not a description of creating an edit list simultaneously with a switching operation. In addition, column 19, lines 18-21 of Fu, also relied upon by the Official Action, refer to the system automatically or under the direction of a user creating an edit list. The fact that a system may automatically create an edit list is not a description of **simultaneous** creation of the edit list with the switcher function. Accordingly, Applicant believes that Claim 2 is also not anticipated by Fu.

Turning to Claim 6, which is rejected for the same reasons as Claim 2, Applicant believes that Claim 6 is also patentable over Fu for the same reasons as Claim 2.

From all of the above, Applicant believes that the rejection of Claims 1-8 is not well founded and that the rejection of Claims 1-8 under 35 U.S.C. § 102(b) as being anticipated by Fu should be reconsidered and withdrawn.

Respectfully submitted,

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